



**Federal Election Commission
Washington, DC 20463**

November 14, 2006

Joseph Cleary, Esq.
420 Walnut Street, Suite 300
Philadelphia, PA 19102

Re: ADR # 302
International Brotherhood of Electrical Workers Local 98 Committee of Political
Education and John Dougherty, Treasurer

Dear Mr. Cleary:

Enclosed is the signed copy of the agreement resolving the referral initiated on October 31, 2005 with the Federal Election Commission ("FEC/Commission") against International Brotherhood of Electrical Workers Local 98 Committee of Political Education and John Dougherty, Treasurer ("Respondents"). The agreement for ADR 302 (RR 05L-60) was approved by the Commission on October 30, 2006 – the effective date of the agreement.


Note that paragraph 9 of the agreement specifies that Respondents shall comply with terms (a) and (b) within thirty (30) days from the effective date of this agreement. Respondents shall comply with term (c) within twelve (12) months from the effective date of this agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 6 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 6.

As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

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This agreement resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,


Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

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**Federal Election Commission
Washington, DC 20463**

Case Number ADR 302
Source RR 05L-60
Case Name International Brotherhood of
Electrical Worker's Local 98
Committee on Political Education

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Commission entered into negotiations with Joseph Cleary, Esq., representing the International Brotherhood of Electrical Worker's Local 98 Committee on Political Education and John Dougherty, Treasurer ("the Committee" or "Respondents"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

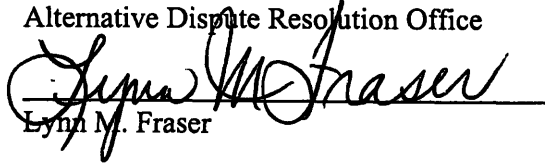
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division ("RAD") referred the Committee for failing to file one 48-Hour Notice in support of an independent expenditure, totaling \$68,284, disclosed on the 2004 12 Day Pre-General Report. In addition, the Committee failed to file one 24-Hour Notice to support three independent expenditures, totaling \$56,088.97, disclosed on an Amended 2004 30 Day Post General Report. RAD confirmed that a prior notice, sent to Respondents on September 27, 2004, included a section titled "48 and 24 Hour Reports on Independent Expenditures," explaining when independent expenditures triggered the required 48 or 24-Hour Notices.

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4. The prior notice sent to Respondents summarized the relevant sections of the FECA explaining that, in addition to reporting independent expenditures on Schedule E, a PAC or Party Committee that makes independent expenditures in connection with an election also may have to file 48-Hour or 24-Hour reports. The notice explained that 48-Hour reporting requirement is triggered each time the committee makes independent expenditures, aggregating \$10,000 or more, between January 1st and the 20th day before the election. The 24-Hour reporting requirement is triggered each time the committee makes independent expenditures, aggregating \$1,000 or more, after the 20th day, but more than 24 hours before the day of the election. 2 U.S.C. § 434(g), 11 C.F.R. § 104.4. The notice also advised the Committee that these additional reports were not required when a committee made a contribution directly to a candidate.
 5. Respondents acknowledge an inadvertent violation of the law. They contend that they misinterpreted the FECA, and mistakenly concluded their disclosure of independent expenditures on schedule E, and sending miscellaneous electronic text messages to the Commission, were sufficient. The Committee maintains it took proactive steps such as appointing an assistant treasurer with specific compliance responsibilities. In addition, the Committee informed all individuals involved in disbursing funds for independent expenditures of the 48-Hour and 24-Hour notice requirements.
 6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop a compliance manual for use by Committee staff; (b) pay a civil penalty of \$8,500; and (c) send a representative to a FEC seminar within twelve (12) months.
 7. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
 8. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
 9. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with terms (a) and (b) within thirty (30) days from the effective date of this agreement. Respondents shall comply with term (c) within twelve (12) months from the effective date of this agreement.
 10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 302 (RR 05L-60), and effectively resolves the issues identified in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

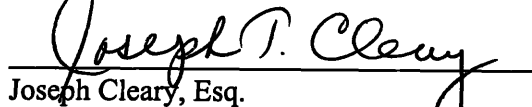
FOR THE COMMISSION:

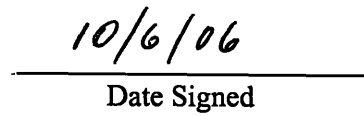
Lynn M. Fraser
Alternative Dispute Resolution Office


Lynn M. Fraser


Date Signed

FOR THE RESPONDENTS:


Joseph Cleary, Esq.
Representing the International Brotherhood
of Electrical Worker's Local 98 Committee
on Political Education and John Dougherty, Treasurer


Date Signed

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